

COHEN & GREEN

April 30, 2020

Hon. Analisa Torres, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 15D
New York, NY 10007

By ECF and Email.

Re: *Yang, et al. v. New York State Board of Elections*, Case No. 20-cv-03325 (AT)

Dear Judge Torres:

Our firms represent a group of individuals, some of whom are persons who are members of the State Democratic Committee, most of whom petitioned for and were placed on the NY State Presidential Primary ballot as candidates for Delegate pledged to Bernie Sanders, and all of whom are voters. They represent an important group with a substantial interest in the outcome of this litigation, whose interests are not fully represented by the parties present.

We intend to file a motion to intervene,¹ but write to request the Court allow us a short extension to complete the substantial legal work involved in filing all three of a motion to intervene, the required pleading with that motion, and the merits brief we anticipate Your Honor will request based on the docket.

We believe that intervention is in the interest of judicial economy and far outweighs the alternative of having two separate lawsuits litigating the same claims. Therefore, we respectfully request that the Court readjust the briefing schedule so that Plaintiffs' and Intervenor's substantive briefs be due on May 1, 2020 and Defendants' substantive brief (and any opposition to our motion to intervene) be due on May 4, 2020. We thus ask the Court to adjourn arguments from May 4 to May 5, or the soonest thereafter that is convenient for the Court. The questions here are of monumental importance, should be litigated carefully, and one day's delay will not prejudice any party.

Finally, given the speed at which this case is moving, while we would ordinarily seek consent to our motion prior to filing anything, we are filing this letter and simultaneously seeking consent of the parties to our intervention motion.

Respectfully submitted,

/s/

Elena L. Cohen

¹ Pursuant to the Court's Individual Practices III(A)(i), given that all parties involved in this case agree that delay can result in prejudice to all involved (*see e.g.*, the Court's Order at ECF No. 5, Defendants' motion at ECF No. 4), we believe our motion does not necessarily require a pre-motion letter.



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cc:
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